



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

CPK
F. #2014R00558

*610 Federal Plaza
Central Islip, New York 11722*

October 3, 2023

By ECF

Honorable Gary R. Brown
United States District Judge
Eastern District of New York
1030 Federal Plaza
Central Islip, New York 11722

Re: United States v. Alan Nelson
Criminal Action No. 23-213 (GRB)

Dear Judge Brown:

The government submits this letter in connection with the sentencing of the defendant Alan Nelson (“Nelson”) for his guilty plea admitting to prescribing oxycodone without a legitimate medical purpose, in violation of 21 U.S.C. § 841. Nelson’s sentencing is scheduled for October 13, 2023 @ 1:30 p.m. The Presentence Report (“PSR”) indicates that the charge of conviction carries a statutory sentence of up to 20 years. PSR at ¶ 68. The Presentence Report calculates a guideline sentence of level 25 in Criminal History category I. PSR at ¶ 69. That guideline carries an advisory sentencing range of 57 months to 71 months. PSR at ¶ 69. This is also the guideline range in the plea agreement, stipulated to by the defendant.

Defendant, a licensed medical doctor, was prescribing oxycodone to such an extent that, in 2020, Rite Aid pharmacy, after questioning some of Nelson’s patients and determining that Nelson was overprescribing controlled substances to them, stated in a letter to Nelson that Rite Aid would “no longer fill prescriptions from your office for Schedule II, III, IV and V controlled substances.” Further, in the letter, Rite Aid stated that the pharmacy chain had taken this action because “of our concern about increased reports of controlled substance prescription drug abuse, especially Oxycodone.” PSR at ¶ 3. An expert witness retained by the government who reviewed patient files found that, of the 18 files reviewed, 15 contained prescriptions for opioids made without a legitimate medical purpose. PSR at ¶ 13-15. Here, however, Nelson has pled guilty to only one patient and only for the time after Rite Aid’s notification. Even with this narrowing of the scope of defendant’s culpability, the guideline level is still level 25, 57 to 71 months.

Accordingly, the United States requests that the Court impose a guidelines sentence on the defendant.

Respectfully submitted,

BREON PEACE
United States Attorney

By: /s/ Charles P. Kelly
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cc: Defense counsel